



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400700

Applicant Name: Ron Hopper and Dean Kralios of Stickney Murphy Romine
for Capitol Hill Housing Improvement Program

Address: 803 E Denny Way

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 5-story, 45 unit apartment building with below grade parking for 25 vehicles. Project includes rehabilitation of an existing corner residence to include 4 apartments. Two existing single family residences to be demolished.

The following approvals are required:

- **Design Review** - Chapter 23.41 Seattle Municipal Code (SMC)
- **SEPA - Environmental Determination** - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

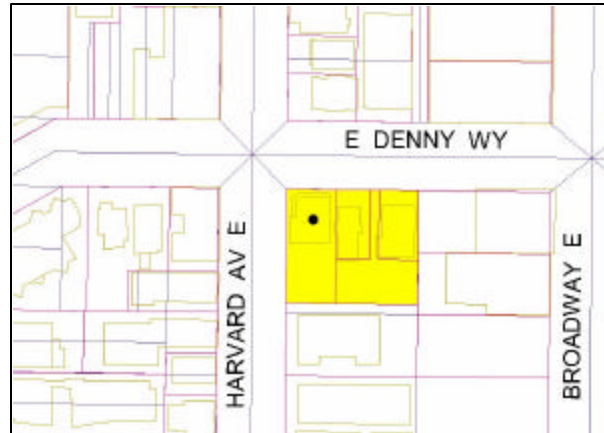
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal is to redevelop a site that comprises four lots at and near the southeast corner of E Denny Way and Harvard Avenue East. The site is currently home to three dwellings. Two of the dwellings will be demolished as a result of this project. The third dwelling, located at the corner of E Denny Way and Harvard Ave (corner house), would be restored and converted into a 4 unit apartment building. A second structure would be built on the site, containing a total of 5 floors and 45 dwelling units.



25 parking spaces would be provided for the development, to be located in a below grade garage under the new structure. Access to the garage is proposed from Harvard Ave E. As indicated, the project assumes the retention of a dwelling located at the Denny and Harvard Ave corner. The house to be retained has been nominated as a City of Seattle Landmark, with formal designation to be made by the City of Seattle Land mark Board.

The site is located in the First Hill/Capitol Hill Urban Center. The site is zoned Midrise (MR), as are the properties to the west across Harvard Ave. Surrounding zones also include an NC3-40 zone to the east, a NC3-65 zone, along with a Major Institution Overlay for Seattle Central Community College to the south, and a Midrise, Residential-Commercial zone to the north across E Denny Way.

ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING – March 24, 2004

The Early Design Guidance meeting occurred on March 24, 2004. At this meeting, the applicant provided an overall review of the proposal through the presentation of graphics, photographs and renderings. This information was used to illustrate the allowed zoning envelope, conceptual massing in relationship to the surrounding built environment, zoning of surrounding sites, the surrounding street system, grade changes associated with the site and other essential features of the site.

Following public comment and clarifying questions to the applicant, the Board prioritized the following design guidelines using guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" that are of the highest priority to this project. These prioritized guidelines also included comments from the Design Review Board, which were included in the Early Design Guidance report:

- A-1 Responding to Site Characteristics
- A-3 Entrances Visible from the Street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-6 Transition Between Residence and Street
- A-7 Residential Open Space
- A-10 Corner Lots
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-3 Retaining Walls
- D-7 Personal Safety and Security
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

Departures from Development Standards

At the EDG meeting, the applicant's presented information on proposed design departures, including:

- Increase of structure depth from 71 feet to 95 feet, or from 65% maximum to approximately 79% (SMC 23.45.052B)
- Reduce minimum dimension of required modulation from 8 feet to 4 feet (SMC 23.45.054D)
- Reduce the internal setback minimum and average from 15 feet to 12 ½ feet for a portion of the structure (SMC 23.54.056D)

At the EDG Meeting, the Board indicated general support for the departure requests, but reserved recommendations on the request until design details were developed to demonstrate the need for the departures, the impacts on the corner house and the effect on design quality.

RECOMMENDATION MEETING – August 11, 2004

On August 11, 2004 the Capitol Hill/First Hill Design Review Board held their recommendation meeting on this proposal. The applicant brought additional materials, including photographs and renderings, to demonstrate how the project design had developed since the early design guidance meeting. Specifically, the Board had requested further design development from the applicant on the following:

- The redevelopment of the corner house

- Massing, design and use of materials on the new structure to complement the corner house
- The creation of a prominent entry for the new development
- Creation of visible and functional open space in the courtyard between the house and the new development, through increased setbacks between the corner house and proposed structure
- Landscaping along the perimeter and sidewalks to complement the development

In their presentation, the architects provided drawings, graphics and other materials to demonstrate how the building design responded to the previous design guidance. In particular, the architects provided a summary of the following:

- The departure requests (detailed below)
- The status of landmark review on the corner house
- The development of entrance features along Denny and Harvard, including ramps, stairs, gates, landscaping and other features
- Details of the proposed courtyard and open space features between the corner house and proposed structure, including plantings, pavers and the use of a cistern to capture roof runoff
- Massing of the new structure in relationship to the corner house
- Open spaces along Harvard, including plans for new street trees and retention of an existing mature maple along Harvard
- The use of materials, designed to complement the corner house
- Landscaping along the south property line to provide greater views for site safety and crime prevention
- Landscaping along the east property line to screen and soften the building from adjacent uses

Departures from Development standards.

Pursuant to SMC 23.41, the applicant's requested the following departures from development standards:

Code Requirement	Departure request	Rationale
23.45.054B1 – minimum depth of modulation is 8 feet –	Reduce modulation depth to 4 feet, as applied to front, side and rear façade requirements	While modulation does not meet depth requirements, the minimum width requirements have been exceeded. The modulation will be highlighted through application of materials and color for further visual interest.
23.45.052B1c – Structure depth cannot exceed 65% of the lot	Increase structure depth from 65% to 88%	Increase in structure depth is due to limitations on site planning from retention of corner house; open space will be increased to 30% with increase in 10 foot minimum modulation width

23.45.052B2 – Where structure depth exceeds 65%, the lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.	Allowing maximum allowed lot coverage to increase from 57% to 60%, as a result of additional structure depth and reduced setbacks	While retention of the corner house causes the increase in lot coverage as part of the underlying structure depth if no departures were requested, the overall design quality is greater with retention and restoration of the corner house
23.45.056B – a 10 foot minimum rear setback is required	Reducing the required minimum from 10 feet to 6 feet	Reducing the minimum and average rear yard setback allow for additional open space area between the existing and proposed structure
23.45.056B – an average of 15 feet is required for rear setbacks	Reducing the required average from 15 feet to 7 feet 2 inches	Reducing the minimum and average rear yard setback allow for additional open space area between the existing and proposed structure
23.45.056D – cluster developments require a minimum of 15 feet setback between structures	Reducing the required minimum from 15 feet to 11 feet	While the proposed building footprint has been moved as far south from the corner house as possible, the standard on a portion of the site cannot be met. Approximately 68% of the facades are setback in excess of the minimum requirement, which allow for additional open space features.
23.45.056D – cluster developments require a 15 foot average setback between structures	Reducing the required average from 15 feet to 14 feet 8 inches	The average setback is generally exceeded, with the exception of the courtyard of the building where the use of brick causes the standard to not be met

BOARD RECOMMENDATIONS – DESIGN REVIEW AND DEPARTURE REQUESTS

Following the presentation by the applicant's as well as Board and Public questions and comments, the Board reviewed the project using the previous design guidance developed through application of the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*". In general, the Board members indicated that the project met the Design Guidance that was prioritized at their previous meetings. The Board also indicated that there had been considerable effort by the applicant in developing the design, including addressing the concerns raised at the Early Design Guidance meeting. In their deliberations on the project, the Board provided further recommendations on the following issues, as indicated in relation to the relevant design guidelines:

- A-3 Entrances Visible from the Street - Entries should be clearly identifiable and visible from the street.**
- D-1 Pedestrian Open Spaces and Entrances - Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from**

the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

- E-2 Landscaping to Enhance the Building and/or Site - Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

In their deliberations on these guidelines, the Board indicated that additional design detail should be developed to better express the sense of entry to the site. The Board also indicated that the design of the fencing should include additional decorative quality that will provide further distinction and design quality to the proposal.

- C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

- C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

In their deliberations on these guidelines, the Board indicated that additional design solutions should be developed to give the interior façade modulation, particularly the portion in and above the building entrance, greater visual interest and design quality

Therefore, after considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, the Design Review Board members in attendance unanimously recommended **APPROVAL** of the subject design, with the following conditions:

1. In support of Design Guidelines A-3, D-1 and E-2, additional design details shall be developed to provide decorative quality to street side fencing on Harvard Ave East and East Denny Way. The additional design quality should include use of materials and design features applied to the fencing to meet the intent of the condition.
2. In support of Design Guidelines A-3, D-1 and E-2, additional design details shall be developed to improve the design of the pedestrian ramp and stair cases on East Denny Way. The design features shall include a combination of landscape, detailing, revisions to the width of the stairs or other design solutions that provide a greater sense of entry for the proposed building and courtyard.
3. In support of Design Guidelines C-2 and C-4, the interior modulation on the proposed building should be modified to make this feature more prominent in the overall design of the building. The modifications shall include introduction of additional details, materials, color, height of the parapet or other appropriate design solutions that result in greater prominence for this portion of the building facade.

The Board also unanimously recommended **APPROVAL** of the requested development standard departures, with no conditions recommended on the departure requests.

DECISION - DESIGN REVIEW

Based on the revisions to the plans presented at the applicant's final Design Review meeting and on further review of staff, the Director supports the recommendations of the Board for the approval of the project and the requested Design Departures. In addition, the Director concurs with the conditions recommended by the Design Review Board and further conditions the project by adopting the conditions recommended by the Board. Accordingly, the proposed design is **APPROVED** with the following conditions:

Prior to the issuance of a Building Permit

1. In support of Design Guidelines A-3, D-1 and E-2, additional design details shall be developed to provide decorative quality to street side fencing on Harvard Ave East and East Denny Way. The additional design quality should include use of materials and design features applied to the fencing to meet the intent of the condition.
2. In support of Design Guidelines A-3, D-1 and E-2, additional design details shall be developed to improve the design of the pedestrian ramp and stair cases on East Denny Way. The design features shall include a combination of landscape, detailing, revisions to the width of the stairs or other design solutions that provide a greater sense of entry for the proposed building and courtyard.
3. In support of Design Guidelines C-2 and C-4, the interior modulation on the proposed building should be modified to make this feature more prominent in the overall design of the building. The modifications shall include introduction of additional details, materials, color, height of the parapet or other appropriate design solutions that result in greater prominence for this portion of the building facade.

Construction Conditions

1. Any revisions to the exterior facades of the building and/or landscaping on site must be reviewed and approved by a Land Use Planner prior to proceeding with the proposed revisions.

Prior to the issuance of a Certificate of Occupancy

1. Compliance with the approved design features and elements, including exterior materials, façade colors, landscaping or other similar features shall be verified by the Land Use Planner assigned to the project or by the Supervising Planner. Inspection appointments with the Land Use Planner must be made at least 3 working days in advance of the inspection.

Based on the review and concurrence of the Design Review Board for the referenced Departures, the Departures are also **GRANTED** with no conditions.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated May 10, 2004 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction

personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Noise

The site is located in a primarily low to mid density residential zone. Within the general proximity of the site there are numerous apartment buildings. Due to the proximity of these residential dwellings, further conditioning is required to address impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Transportation

Construction Parking

Construction of the project is proposed to last for several months. Due to the surrounding residential densities, the location on an arterial street and the limitations of on-street parking in the area, construction related impacts for parking are likely. Demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction

whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Transportation

The required parking for this project, based on the standards in SMC 23.54.015, would be 22 parking spaces. The project qualifies for parking under provisions for low income dwellings in this code section, as the project is appropriately funded and includes a covenant as required in this code section. The project provides 25 parking spaces for residents, 3 spaces in excess of code requirements. In addition to this excess supply, the proximity to numerous transit lines with frequencies of at least 15 minute headways in off-peak hours, with significantly additional trips during peak hours, provides significant alternatives for automobile trips. The project is likely to generate approximately 50 automobile trips per day. Given the size of the project, the excess of on-site parking available, the proximity and extent of transit in the immediate area, conditioning under SMC 25.05.675T to provide additional on-site parking is unwarranted.

Historic Preservation

On April 30, 2004, a nomination was submitted to Department of Neighborhoods Landmark Board Coordinator to evaluate the potential for nomination for the three structures located on the development site. As required under SMC 25.05.675, a project that proposes the demolition of a structure in excess of 50 years old must be referred to the City of Seattle Landmark Board for consideration if that project is subject to SEPA. The three structures located on the subject development site are located at 803, 805 and 811 E Denny Way, respectively. The nomination, submitted by the applicants, included a detailed evaluation of the history and architectural character of each structure. While the structures located at 805 and 811 E Denny Way were determined by DON staff to not meet standards for designation as City of Seattle Landmarks, the structure at 803 E Denny Way was designated for nomination as a City of Seattle Landmark. Accordingly, following review by the City of Seattle Landmark Board, the structure at 803 E Denny Way was designated as a City of Seattle Landmark at their August 18, 2004 meeting. The designation, under Department of Neighborhood file number LPB 257/04, will include later actions on controls and incentives. Therefore, no other actions are warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

SEPA CONDITIONS

Prior to issuance of any Construction or Grading Permits

1. The owner(s) and/or responsible party(s) shall secure DPD Land Use Division approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to DPD Land Use Division approval. The plans shall address the following:
 - Ingress/egress of construction equipment and trucks;
 - Truck access routes, to and from the site, for the excavation and construction phases;
 - Street and sidewalk closures;
 - Potential temporary displacement/relocation of any nearby bus stops.

Construction Conditions

1. Parking for construction workers shall be provided on-site as soon as the garage is completed.
2. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition, only low noise impact

work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

- Surveying and layout;
- Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

DESIGN REVIEW CONDITIONS

Prior to the issuance of a Building Permit

1. In support of Design Guidelines A-3, D-1 and E-2, additional design details shall be developed to provide decorative quality to street side fencing on Harvard Ave East and East Denny Way. The additional design quality should include use of materials and design features applied to the fencing to meet the intent of the condition.
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3. In support of Design Guidelines C-2 and C-4, the interior modulation on the proposed building should be modified to make this feature more prominent in the overall design of the building. The modifications shall include introduction of additional details, materials, color, height of the parapet or other appropriate design solutions that result in greater prominence for this portion of the building facade.

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Signature: _____ (signature on file) Date: September 6, 2004
Michael Jenkins, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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